

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN**

---

JEFF POFF,

Plaintiff,

v.

Case No. 09-CV-1165

CAPT. GEMPLER, LT. BRAEMER,  
CO II MEDEMA, CO PONTOW, CO II BILLINGTON,  
CO II CHRISTIANSON, and JOHN DOES,

Defendants.

---

**ORDER**

Before the court is plaintiff's request for a temporary restraining order "against all WCI staff that are involved in my current 1983 civil complaint for fear of retaliation and the safety of my life." A court may issue a temporary restraining order without notice to the adverse party if specific facts in an affidavit clearly show that irreparable injury, loss, or damage will result to the movant before the adverse party can be heard in opposition. Fed. R. Civ. P. 65(b)(1)(A).

Plaintiff asserts that an individual named David Day has been trying to solicit him to commit "kidnapping 4-hire," "murder 4-hire," and to buy explosive materials. According to plaintiff, he informed defendants Captain Gempler and Lieutenant Braemer about this and was told that someone from the Federal Bureau of Investigation or the Dodge County Police Department would talk to him soon. However, no one has contacted him yet. Plaintiff asserts that Mr. Day has three prior convictions and is a child molester and that plaintiff was going to forward information to the United States Attorney's Office but was instead ordered to provide the

information to Captain Gempler. Plaintiff “feel[s] like this is some sort of ‘setup’ by the authorities here in order to get me to ruin my lawsuit/get justice for what they did to me 2-yrs [sic] ago.” (Pl.’s Mot. at 2.)

Although not entirely clear, plaintiff’s motion for a temporary restraining order appears to boil down to allegations that another inmate is soliciting him to commit crimes and he reported this to prison authorities, but the investigation is not proceeding as he would like. There is no indication plaintiff’s allegations are related to the claims upon which he is proceeding in this case. In short, plaintiff has not made the requisite showing for a temporary restraining order.

The final portion of plaintiff’s motion reiterates his request for counsel. However, the court denied plaintiff’s two prior motions to appoint counsel and he has not provided any reason to upset that decision at this time. (See Court’s Order of August 27, 2010.) Accordingly,

**IT IS ORDERED** that plaintiff’s motion for a temporary restraining order (Docket #21) be and the same is hereby **DENIED**.

**IT IS FURTHER ORDERED** that plaintiff’s motion to appoint counsel (Docket #21) be and the same is hereby **DENIED**.

Dated at Milwaukee, Wisconsin, this 15th day of October, 2010.

BY THE COURT:

A handwritten signature in black ink, appearing to read "J.P. Stadtmueller", is written over a horizontal line.

J.P. Stadtmueller  
U.S. District Judge